

REMARKS

Claims 21-29, 43-51, 53, and 54 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 121

The Office Action requires a restriction to one of the following sets of claims:

- I. Claims 21-27, 43-49, and 53, drawn to network resource access controlling, classified in class 709, subclass 229;
- II. Claims 28-29, 50-51, and 54, drawn to cooperative computer processing, classified in class 709, subclass 205.

In response to the Restriction Requirement, Applicant elects invention I, claims 21-27, 43-49, and 53, with traverse.

MPEP 811 states:

37 CFR 1.142(a), second sentence, indicates that a restriction requirement "will normally be made before any action upon the merits; however, it may be made at any time before final action." This means the examiner should make a proper requirement as early as possible in the prosecution, in the first action if possible, otherwise, as soon as the need for a proper requirement develops.

Before making a restriction requirement after the first action on the merits, the examiner will consider whether there will be a serious burden if restriction is not required.

MPEP 818.01 states:

Election becomes fixed when the claims in an application have received an action on their merits by the Office.

In this case, all of the pending claims were elected by original or earlier presentation. Election was at that point fixed. No action by Applicants caused a need for a proper requirement to develop. Therefore, restriction at this time is improper.

Furthermore, if the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits even though they include claims to independent inventions. See MPEP 803. In this case, the Examiner has already established on the record that the claims would not present an undue burden by examining the claims in three separate office actions on the merits. The Examiner also has held at least one telephone interview.

Therefore, Applicants respectfully request that the Restriction Requirement be withdrawn and claims 21-29, 43-51, 53, and 54 be examined.

II. Conclusion

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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